Attention of the future historian of Anglo-American law may be directed particularly to the weight given to religious influence (*e. g.*, pp. 12, 631 ff.). Under the reign of rationalism and later under the reign of mechanical positivism it became fashionable to ignore this. The American legal historian who feels, as he must, Puritan ideas at work on every side in the shaping of American law as it stood in the nineteenth century, will do well to note how Italian law in its formative period responded in so many connections to the pressure of religious ideas. During the ascendency of the ethical idealistic interpretation of legal history the moral element was given prominence. But it was put in terms of a narrowly conceived idea of right so that the significance of religious and moral ideas of the time and place was not brought out. The historian of English equity also, when he treats of the doctrinal development of the subject, must reckon with the moral ideas of writers on theology, with the results worked out by casuists and probablists, and with the applications of religious ideas to practical morals, which were part of the atmosphere in which equity was long administered, if he is to understand equity doctrine aright. Here too he may get more than one hint from Professor Salvioli's story of the effect of these upon the development of the Italian law of obligations.

In the actual treatment of Italian legal history, Professor Salvioli has followed a systematic rather than a chronological method; he has not told the story century by century nor "period" by period, but has set off ideological types, as it were, and has not hesitated to tell of them as overlapping in point of time. Thus in Part I, treating of the sources, we have (1) the Germanic period (A. D. 568–1100), (2) the feudal period (888–1100), (3) the communal period (1100–1450), (4) the science of law, based on the Roman law of Justinian (1100 to the present) and (5) legislation (1400–1920). Then follows a history of public law (Part II) in which he takes up successively (1) the political ordering of Italy, under three heads, namely, the "Germanic intermezzo" between Roman administration and the rise of modern political ideas on Byzantine lines upon the basis of Justinian's texts, the Italian revival, and the rise and development of political theory, and (2) the social ordering of Italy, under four heads, namely, Germanic society, society in the feudal epoch, society in the communal epoch, and modern society. The discussion of the economic and class organization of society and its relation to legal institutions, under each of these heads, is most enlightening. Next comes a doctrinal and institutional history of private law (Part III) in which, however, the story is not told as one of the development of each doctrine or of each institution by force of an inherent faculty or as the unfolding of an inherent idea, nor, on the other hand, as a series of unique events unconnected with each other or with anything else. One is made to feel how thoroughly the doctrinal and institutional legal history of a people is but a part of its whole history, and how completely social and economic and political and legal history are but ways of looking at that history from particular standpoints and for particular purposes. Finally there is a history of penal law (Part IV) and of procedure (Part V). There is a full general bibliography (from which Holdsworth's History of English Law is missing) and rich special bibliographies on every point, which of themselves make the book exceptionally valuable for general purposes.

ROSCOE POUND.

THE LAW OF SALES. By John Barker Waite. Chicago: Callaghan & Co. 1921. pp. xii, 385.

Owing to its brevity Professor Waite's treatise on Sales will appeal primarily to the lay reader and to the law student, rather than to the trained

practitioner, despite the hope expressed in the preface that it will be equally useful to all three. The opening chapters on general principles and transfer of title are admirable for this purpose. They will be especially helpful in making it clear how far the various questions involved are of fact or of law. But, unfortunately, with the more complex questions raised by inspection and warranty the discussion becomes far less clear. Failure to inspect is discussed in one breath as a waiver of condition to a suit by the seller, and in the next as a factor in defending a suit brought by the buyer. Similarly on page 175 we are told that a warranty is something that "does not relate to title" and that "the goods could not be rejected for breach of it." Yet on page 182 the reader is told that "there is rather hopeless conflict as to whether property purchased can be returned for breach of warranty." It is no answer that the trained lawyer might detect Professor Waite's meaning despite such apparant conflicts — the student will probably be quite at sea. As if to make sure of this result the author, for some unexplained reason, has placed the discussion of actions by the buyer for damages for breach of warranty in a section entitled "Title, but not Possession, Acquired by Buyer."

The point, however, which will probably cause most disagreement with the author is his almost complete disregard of the various Uniform Acts. From the beginning to the end of the text there is not a single word of comment on the Sales Act, and with one exception (p. 206) the footnotes are confined to a bare citation to the proper sections. It is true that the Act appears in the Appendix, and that the author in his introduction to it states that it is unnecessary to comment on it, as "the reader can interpret it equally well for himself." But this assumption, whether or not it is true for the lawyer, is more than doubtful for the student or layman. Will such readers notice that Sec. 5 (3) may conceivably have some bearing on the doctrine of potential ownership? Or that Sec. 62 introduces a wholly new notion as to stoppage *in transitu* against a *bona fide* purchaser for value of a non-negotiable bill of lading? Or that Sec. 20 (4) raises some very interesting problems as to the possible "negotiability" under certain circumstances of goods formerly represented by a negotiable bill of lading indorsed in blank? As for the Bills of Lading Act, it is referred to exactly once (p. 211 n.), where the reader is told to see "the related provisions" of that act — a rather vague direction, as the act is seemingly cited as foundation for the statement that according to some authority "the buyer of a bill of lading in possession of the seller is no better off than he would have been had the seller merely possessed the goods themselves." Not a single reference is made to the Warehouse Receipts Act so as to give the reader notice of it and enable him to try his hand at interpreting it for himself. But the most surprising feature is probably the fact that the author is able to pass through the entire topic of conditional sales without any hint of the Uniform Act on that subject. The increasing importance of these Acts will mean a sharply limited period of usefulness for Professor Waite's book.

E. W. PUTTKAMMER.

WILLS, ESTATES, AND TRUSTS. A manual of law, accounting, and procedure, for executors, administrators, and trustees. By Thomas Conyngton, Harold C. Knapp, and Paul W. Pinkerton. New York: The Ronald Press Company. 1921. Vol. I, pp. xviii–355; Vol. II, pp. xii, 356–825.

What Mr. Newhall has done for Massachusetts these co-authors have endeavored to do for all jurisdictions; and they have succeeded in producing a valuable practical manual of general principles of the law of Wills, Estates, and Trusts. The two volumes contain about seven hundred pages of text, and in addition to a collection of forms, between five hundred and six hundred